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SUBJECT: NA ELECTS HARUTYUNYAN OMBUDSMAN

REFS: A) Yerevan 104 B) 05 Yerevan 2166

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Sensitive but unclassified. Please protect accordingly.

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SUMMARY  
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1. (SBU) The National Assembly elected Armen Harutyunyan as Armenia's new Human Rights Ombudsman on February 17. As the president's candidate, his election was not in doubt, but the governing coalition and the president found they needed to expend more political capital than they had intended under the new rules of the game that the amended constitution established. End Summary.

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HARUTYUNYAN NEW OMBUDSMAN  
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2. (SBU) On February 17, in an extraordinary session, the National Assembly elected the presidential advisor on constitutional matters Armen Harutyunyan as the next Human Rights Defender (ref A). Hrant Khachatryan, an opposition member of parliament, received only 28 votes to Harutyunyan's 87 (plus one vote "against all," and two ballots deemed invalid). This was the second vote on the issue, which took place after President Kocharian took coalition members to task for not bringing out the votes the first time around. The high turnout with 118 (out of 131) deputies voting and the numbers of votes given for the presidential incumbent (well in excess of the constitutionally mandated 79) demonstrated that the governing coalition can get out the votes on the issues it cares about.

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PRESIDENT DISPLEASED WITH COALITION'S EARLIER FAILURE  
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3. (SBU) Opposition newspapers reported that Kocharian was particularly furious with governing coalition members' remarks that opposition candidate MP Hrant Khachatryan would also make a good ombudsman. During a special meeting with the governing coalition, Kocharian accused the Republican, Orinats Yerkir and Dashnaktsutyun (ARF) leaders of not using all levers to secure Harutyunyan's election. Following the president's critique, coalition parties stepped up their efforts to endorse their candidate for the

ombudsman post. The parliamentary majority called an emergency session of the National Assembly on Friday, February 17 to repeat the vote.

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GOVERNING COALITION TRYING TO PULL TOGETHER  
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¶4. (SBU) Galust Sahakian, the head of the NA Republican faction (the largest coalition party and also its whip), confirmed before the vote that coalition leaders held consultations with their pro-presidential allies and had secured certain guarantees of Harutyunyan's election. "We are trying to do everything to ensure a positive result," he said in an interview. ARF representative Armen Rustamian expressed hope that the issue would be closed February 17, and Giro Manoyan confirmed Dashnaksutyun's decision to vote in support of Harutyunyan again. Although the United Labor party, with 6 seats in the NA, claimed that no pressure had been exerted on them and they were free to vote as they wish, the vote totals would not have been possible without them and other nominally non-pro-government members.

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OPPOSITION GLEEFUL, BUT ULTIMATELY UNSUCCESSFUL  
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¶5. (SBU) The opposition had called last week's failure to elect the Ombudsman a sensation. The three coalition parties together control 72 parliament seats, Harutyunyan got only 69 votes, which meant that the support of other pro-Kocharian factions and independent deputies went to the opposition candidate and Armen Harutyunyan fell short of winning a three-fifths majority (79 votes) required by the constitution. The

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opposition expected the scenario to repeat itself during this vote as well, hoping that the secret voting procedure would enable individual MPs to act more independently. (Note: Opposition members credibly claimed that the first vote was fraudulent, with some absent MPs "voting." End Note.)

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COMMENT: A SHIFT IN THE BALANCE OF POWER  
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¶6. (SBU) Despite the opposition's failure to push through their candidate for ombudsman, this exercise has provided the first example of the new constitution's changed balance of powers playing itself out in ways we suspect the governing coalition had not anticipated; while the executive branch still wields more power than most observers think it should, the parliament now plays a greater role. Although the outcome was not ultimately in doubt, the coalition had to marshal considerably more resources than it had originally intended. We expect additional surprises lie in store for all of Armenia's political actors as everyone begins to learn the ramifications of the constitutional changes.

EVANS